

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

This matter is before the Court on the Government's Motion to Strike (ECF No. 101), filed on August 25, 2016. Defendant filed a Response (ECF No. 105) on September 8, 2016 and the Government filed a Reply (ECF No 107) on September 14, 2016.

The Government requests that the Court strike several of Defendant's filings, which the Government believes violate this District's local rules because the documents are styled as notices and affidavits rather than motions. Local Rule IA 7-1(b) provides in pertinent part:

All communications with the Court must be styled as a motion, stipulation, or notice, and must be filed in the court's docket and served on all other attorneys and pro se parties. The court may strike any case-related correspondence filed in the court's docket that is not styled as a motion, stipulation, or notice.

Moreover, Local Rule of Criminal Practice 12-1 prescribes what documents may be styled as “notices” rather than motions. *See LCR 12-1.* Based on these rules, the Government argues that Defendant’s “Affidavit of Truth” (ECF No. 83) and his “Notices of Due Process” (ECF Nos. 97 and 99)<sup>1</sup> should be stricken because they do not comply with the local rules. The Government argues, in the alternative, that if Defendant’s filings are construed as motions, they are legally unsupported and should be denied. *See Motion to Strike* (ECF No. 101).

<sup>1</sup> Since the filing of the Government's Motion to Strike, Defendant has filed a Third Notice of Due Process (ECF No. 102) as well as a Notice of Sui Juris Status (ECF No. 104). The Court will consider these filings as well.

The Court finds that Defendant's filing should be stricken due their failure to comply with the local rules. Defendant's response asserts that he believed the Affidavits and Notices he filed put the Government on Notice of the alleged lack of jurisdiction in this case because Defendant asserts that he is a sovereign citizen. *See Response* (ECF No. 105), pg. 5-6. Although this legal argument is clearly contrary to law,<sup>2</sup> if Defendant did in fact wish to make that argument it should have been styled as a motion which would have put the Government on notice that it was required to file a response. That was not the case here. Accordingly,

**IT IS HEREBY ORDERED** that the Government's Motion to Strike (ECF No. 101) is granted.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to Strike ECF Nos. 83, 97, 99, 102, and 104.

DATED this 21st day of September, 2016.

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge

<sup>2</sup> See, e.g., *United States v. Studley*, 783 F.2d 934, 937 n.3 (9th Cir. 1986) (recognizing that “this argument has been consistently and thoroughly rejected by every branch of the government for decades”); see also *United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011) (categorizing a similar Affidavit of Truth as “meaningless,” sovereign citizen defenses as having “no conceivable validity in American law,” and dismissing similar “jurisdiction arguments as frivolous.”); accord *United States v. Ward*, 1999 WL 369812 at \*2 (9th Cir. 1999) (rejecting defendant’s “sovereign citizen” argument as “frivolous”).